

**Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
February 25, 2002**

The Department of Water Resources (DWR) hosted a meeting for the Plenary Group on February 25, 2002 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	Oroville Facilities Relicensing FERC Project No. 2100 Process Update
Attachment 5	Study Plan Review Process for the February 25, 2002 Plenary Group Meeting
Attachment 6	Modeling Fact Sheet
Attachment 7	Interim Settlement Agreement – Status Report
Attachment 8	Riverbend Park Project Map
Attachment 9	Harza/EDAW Organizational Chart
Attachment 10	Study Plan Schedule and Coordination Chart
Attachment 11	Oroville Facilities Relicensing Regulations, Agencies, Definitions and Acronyms

Introduction

Attendees were welcomed to the Plenary Group meeting. The desired outcomes of the meeting were discussed as listed on the meeting agenda. Attendees introduced themselves and their affiliations; Richard Roos-Collins with American Rivers participated in the meeting via a conference call. The meeting agenda and list of meeting attendees are appended to this summary as Attachments 1 and 2, respectively. Meeting flip chart notes are included as Attachment 3.

Process Updates

Where we are in the Process

Len Marino with DWR presented the Process Update, describing where we are in the relicensing process. The presentation is included as Attachment 4. The presentation included updates on overall schedule and goals, an overview of the near-term study plan review process (including current status and goals for the February 2002 meeting), an update on Scoping Document #1, and a review of the ground rules for the Plenary Group's review of Study Plans. A revised Study Plan package was distributed to the Plenary Group prior to the February 2002 meeting in preparation for the heartburn review at this meeting. Len reminded the participants that a two-day Plenary Group meeting is tentatively scheduled for March 2002 if it looks like we could get all study plans approved by adding the extra day. He also explained the target schedule is to get Scoping Document #1 released and the entire Study Plan package approved in April 2002. Scoping Document #2 would be targeted for release in April 2003. It should also be noted that, due to schedule constraints and the need to gather some information soon, initial mobilization and specific agreed-upon tasks might commence prior to a particular study plan being approved.

For this Plenary Group meeting, two consent calendars are proposed; consent calendar #1 which covers those Critical Path studies with no “heartburn issues” identified by the Plenary Group in January and consent calendar #2 which includes those studies that had “heartburn” issues raised at the January Plenary Group meeting and subsequently resolved by the individual Work Groups.

One participant reported the difficulty of tracking the large volume of study plans. The Facilitator reminded the group that abstracts are available for each of the study plans if you don’t want to read them all. Michael Pierce, representing Butte County indicated that the County is currently researching non-jurisdictional issues they would like to see included in study plans. Rick Ramirez with DWR noted that this project would first analyze jurisdictional issues and subsequently evaluate the need to address non-jurisdictional issues.

Work Group Abstracts

The Facilitator informed the Plenary Group that Work Group meeting abstracts for meetings held during January 2002 have been included with today’s meeting agenda.

Cumulative Approach/ESA Issues

Steve Ford, DWR Resource Area Manager (RAM) for the Environmental Work Group led the discussion on cumulative and Endangered Species Act (ESA) issues, which were addressed jointly. Because discussion of these issues initially began in the Environmental Work Group, this group has taken the lead on developing an approach. Steve reported that members of the Environmental Work Group have met with representatives of Federal and state agencies handling ESA matters and will meet again on March 6, 2002. A Cumulative Approach Task Force has been created and will also meet on March 6 to discuss an approach that will meet the needs of the regulatory agencies handling ESA issues. In terms of impacts to the study plans, Steve suggested there will be the need to either develop stand-alone study plans to address cumulative effects or revise all relevant study plans to include cumulative, direct, and indirect impacts.

Plenary Group participants asked if the cumulative and ESA issues are being handled independently with decisions being made separate from the collaborative group. One participant asked if the meetings were being publicly noticed. Steve Ford explained that these meetings were more about information gathering and not meetings where decisions were being made. Any approaches developed in these meetings will be brought into the Environmental Work Group first and then submitted as a recommendation to the Plenary Group for application to all resources. The Process Protocols allow for discussions such as these to occur and updates to the Environmental Work Group on these activities are included in that Work Group’s meeting summaries. The meeting times and locations are included in the flip chart notes, Attachment 3.

Consent Calendar (CP Study Plans with no “heartburn” issues)

The major focus of the meeting was to review and approve project Study Plans. To that end, the Facilitator distributed a handout detailing the review and approval process, Attachment 5. The Facilitator began by detailing the ground rules to follow during the meeting. This led to a discussion on the dispute resolution process that would be utilized if disputes did arise. Ward Tabor with DWR explained that as outlined in the Process Protocols, the first step in the dispute resolution process is for the Facilitator to utilize various techniques (including mediation) to resolve the dispute at the originating Work Group and/or Task Force. Richard Roos-Collins added that the intent of the protocol drafting Task Force was for the collaborative to strive to solve its own disputes before turning to the outside. Ward went on to explain that if this fails, DWR may seek resolution through coordination with appropriate regulatory agencies and the last step would be to initiate the formal FERC dispute resolution process. He reminded the group that we need a dispute first before initiating any of these options and if we need to utilize the FERC process, it can be very slow.

A preliminary list of nine Study Plans was on the initial consent calendar for the February 2002 meeting: SP-L1, SP-L4, SP-R7, SP-E7, SP-T2, SP-T4, SP-G1, SP-G2, and SP-C1. However, participants raised outstanding issues with SP-C1, SP-T2, and SP-G2. Steve Ford informed the Plenary Group that some of the Environmental Study Plans may not show the global changes in the versions distributed, but the global language is included in the Work Group Environmental Abstract included with the meeting agenda. One participant asked if and where security issues related to "9-11" have been addressed in the study plans. The group was informed that there have been coordination meetings between DWR and the County on this issue, and law enforcement will be addressed in one of the Recreation/Socioeconomics study plans. The Plenary Group agreed to approve six study plans (SP-L1, SP-L4, SP-R7, SP-E7, SP-T4, and SP-G1) and discussed the other three.

The discussion on SP-C1 focused on the extent and cost of surveys in the fluctuation zone (defined as high pool to 710-feet). Representatives from both the State Water Contractors (SWC) and DWR had spoken separately to Frank Winchell with FERC on specific survey needs; however, there was some confusion over what was said. It was decided that DWR and SWC representatives would coordinate jointly with Frank Winchell to settle this matter. The Plenary Group approved SP-C1 conditional on a discussion and agreement between DWR, SWC and FERC on the 'heartburn' issue. Janis Offermann, Cultural Resources RAM for DWR will coordinate a call between the parties.

One participant requested that Coopers Hawk be included in SP-T2. Steve Ford responded that he would follow up with the Northern District on this during the break. After the break, Steve reported that Coopers Hawk would be included as requested. Additional discussion on this study plan addressed the bank swallow survey protocol as it relates to SP-G2. Issues associated with SP-G2 were related to the methodology to be used in evaluating downstream impacts of scouring. The participants discussed different methods that may be potentially used in this study plan, any necessary modeling that may be required, and who would be responsible for implementing the tasks in this study. Curtis Creel suggested and Steve Ford concurred that the Engineering and Operations and Environmental Work Groups need to discuss their needs and work out the relationship between SP-E1.6, SP-G2 and SP-T2 possibly through a joint Task Force. The Plenary Group was satisfied with the resolution of these issues and subsequently approved SP-T2 and SP-G2, with the understanding that any significant changes made by the Work Group and/or Task Force would be described in the next Plenary Group meeting.

Work Group resolution of CP Study Plans with 'heartburn' issues

The Plenary Group had identified "heartburn issues" with Study Plans SP-R9, SP-E1, SP-E6, SP-W1, and SP-W6 at their January meeting and sent them back to the appropriate Work Groups for resolution. The following highlights the discussion and the status of these study plans.

The heartburn issue raised with SP-R9 dealt with methodology to be used to track trail use. Doug Rischbieter with DWR indicated that this issue was resolved in the Recreation and Socioeconomics Work Group and that consensus was reached to use infrared devices to monitor trail use. Other minor issues, such as the addition of the Clay Pit shooting area and the description of Berry Creek Road, were also noted for inclusion in the text. The Plenary Group moved SP-R9 to the consent calendar.

SP-E1 addresses model development in the study plan process. At their January meeting, the Plenary Group initiated a Modeling Protocol Task Force to be led by Curtis Creel, DWR RAM for Operations. He distributed a modeling fact sheet to the Plenary Group (see Attachment 6) and provided a recap of modeling review "heartburn" issues. He reported that the Modeling Protocol Task Force has met and is working on a generic modeling protocol that will be used when considering any models during the Oroville relicensing process. He explained the Modeling

Protocol Task Force intends to provide summaries for each model with enough information to provide the collaborative participants with a comfort level and understanding of a model's utility. If any unresolved issues remain with a model after the Modeling Protocol Task Force review, it will be brought back to the Plenary Group with information related to the problem, proposed solutions, and identification of other parties if appropriate, that may assist in resolving the problem. The Modeling Protocol Task Force will report progress on the protocol development to the Plenary Group again in March. The participants briefly discussed specific models to be used, integration between comparable models, and the reliability, appropriateness and usefulness of the models. SP-E1, SP-E1.1, SP-E1.2, SP-E1.3, SP-E1.4, and SP-E1.5 were moved to the consent calendar. Issues associated with SP-E1.6 are scheduled to be resolved at the Engineering & Operations Work Group on March 1, 2002. The Plenary Group tentatively approved SP-E1.6 pending resolution at the Work Group level.

It was noted that modeling described in SP-R18 dealing with economic impacts would be subject to the same modeling protocol as the other models to be used in the study plan process. Tom Wegge with the consulting team will coordinate this effort with the Modeling Protocol Task Force. SP-R18 was moved to the consent calendar.

SP-E6 and SP-W6 were moved to the consent calendar with minimal input from the Plenary Group. Outstanding issues associated with SP-W1 deal with water quality, specifically fish viruses at the hatchery. The participants were informed that this issue would be addressed in SP-F2. The Plenary Group moved SP-W1 to the consent calendar.

Consent Calendar Part 2

The Plenary Group approved the consent calendar containing the following study plans: SP-R9, SP-R18, SP-E1, SP-E1.1, SP-E1.2, SP-E1.3, SP-E1.4, and SP-E1.5, SP-E6, SP-W1, and SP-W6.

Study Plan "Heartburn" Review

The Facilitator pointed out that the list of study plans that were ready for Plenary Group 'Heartburn' review at this meeting is included in Attachment 5. She asked the participants if they wanted to go directly to approval of study plans without 'heartburn' rather than develop a consent calendar for next meeting. If approved, these study plans would go back to the respective Work Groups for implementation details and would not need to come back before the Plenary Group. The participants agreed that unless significant changes occurred at the Work Group level, the Study Plans would not need to come back to them and the group could approve without a consent calendar at this meeting. For those studies with some heartburn or anticipated changes from upcoming Work Group activity, the participants agreed to establish a March consent calendar. Rick Ramirez confirmed that the Critical Path Study Plans would still have priority as the study plans came up for review.

Doug Rischbieter (DWR) provided an update on SP-R13, informing the group that several Task Force meetings were held since the last Recreation and Socioeconomics Work Group meeting in January 2002. Significant revisions have been made to this study plan and incorporated into the latest version. One participant asked that a survey question target trail user groups; this has been addressed in the study plan text. Although there are no outstanding issues, the Plenary Group agreed that this study plan would go back to the Recreation and Socioeconomics Work Group in March for final revisions and approval and then back to the Plenary Group consent calendar in March 2002.

The group proceeded to review the list of study plans that were ready for "heartburn" review, including SP-L2, SP-L3, SP-L5, SP-R1, SP-R2, SP-R3, SP-R4, SP-R5, SP-R6, SP-R8, SP-R10, SP-R11, SP-R12, SP-R14, SP-R15, SP-R16, SP-C2, SP-C3, SP-C4, SP-E2, SP-E3, SP-E4, SP-

E8, SP-W3, SP-R19, SP-W7, SP-T1, SP-T7, SP-T9, and SP-F16. The following points were made during the discussion:

Study Plans SP-C2, SP-C3, SP-C4 are directly influenced by SP-C1; therefore, there are potential issues with these study plans based on the resolution of SP-C1. If the issues associated with SP-C1 are resolved, then the group has no further issues with these study plans and they are approved.

Study plan SP-W3 will be revised during the upcoming Environmental Work Group meeting. It was approved, pending Work Group revisions and placed on the March consent calendar. Two points were raised on SP-R19, including the potential for the Butte County General Plan to be updated prior to 2007 and the need to compare fiscal effects at other similar sites. These issues will be addressed at the next Recreation and Socioeconomics Work Group meeting. SP-R19 was approved, pending Work Group revisions and placed on the March consent calendar.

Study plan SP-W7 will be reviewed and possibly revised at an upcoming Environmental Task Force meeting. One participant inquired where the effects of fuel load management activities in the watershed on water quality and quantity are being analyzed. Discussion among the group concluded that it would be extremely difficult to analyze this issue without a long-term study. SP-L5 evaluates fuel load management and strategies in the project area. SP-W7 was approved, pending Work Group revisions and placed on the March consent calendar. Likewise, study plans SP-T1, SP-T7, SP-T9, and SP-F-16 were approved, pending Work Group revisions and placed on the March consent calendar.

The Facilitator re-capped the review procedure for the study plans just evaluated by the Plenary Group. If these studies had substantial revisions at the Work Group level, they will come back to the Plenary Group on the March 2002 consent calendar. If there were no substantial revisions, these studies are considered approved by the Plenary Group. The participants concurred.

Study Plans Not Ready for “Heartburn” Review

The Plenary Group discussed those studies that were not ready for Plenary Group review. Steve Ford provided a status report on the following studies: SP-W2, SP-F10, SP-F13, and SP-F3.1. SP-W2 had substantial revisions made to it at earlier Environmental Task Force meetings. It is expected that the Task Force and Environmental Work Group will approve this study plan in late March and then it will be ready for Plenary Group review. Meetings will be held to discuss SP-F10, SP-F13 and SP-F3.1 in February and March 2002. These study plans are targeted for April Plenary Group review.

Nan Nalder representing SWC asked if having studies approved as late as April 2002 would delay some Critical Path studies. Steve Ford responded that the early tasks within the Critical Path study plans that need to be initiated first are actually tasks of ongoing programs so DWR can collect that data right now and not miss the season.

One participant asked if DWR could e-mail the electronic table filled out during this meeting that tracks the status of each study plan to the Plenary Group. DWR agreed to provide the table.

Interim Settlement Agreement (Riverbend Park)

Ward Tabor provided an update to the Plenary Group on the status of the Riverbend Park Interim Settlement Agreement. The Task Force has met three times since the January 2002 Plenary Group meeting. The agreement is not complete, and thus, is not ready for presentation to the Plenary Group. Several issues yet to be resolved were reviewed by Ward. He explained that a parallel, more specific, implementation agreement would be developed to implement the Interim

Settlement Agreement. The Task Force has at least one more meeting scheduled. A draft copy of the Interim Settlement Agreement and update and a map of the Riverbend Project was distributed to the group, and are included as Attachments 7 and 8, respectively).

Action Items – January 28, 2002 Plenary Group Meeting

A summary of the January 28, 2002 Plenary Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

Action Item #P78	Provide new Harza/EDAW organization chart.
Status:	A handout depicting the Harza/EDAW consulting team was provided to the Plenary Group at the meeting (see Attachment 9).
Action Item #P79:	Plenary deliberation of Study Plan Schedule; DWR/consulting team to develop Gantt chart to identify timing necessary.
Status:	A detailed study plan schedule was provided to the Plenary Group (see Attachment 10). It is based on input from the study plan schedule sections and individual study plan authors. The schedule is dynamic and will be updated regularly based on review and revisions to the study plans.
Action Item #P80:	Create a glossary of terms.
Status:	A list of regulations, agencies, definitions, and acronyms was provided to the Plenary Group (see Attachment 11). It is an expansion of the Acronyms document previously available on the web site. The Facilitator explained that it is a working draft document that will be updated primarily through RAM input throughout the process.
Action Item #P81:	Develop a list of models under consideration for use during the project.
Status:	A model list was developed and distributed to the Plenary Group (see Attachment 6).

Next Steps

The Plenary Group agreed on the following meeting dates/times to review those study plans on the upcoming consent calendar and any other study plans that will be ready for Plenary Group review:

Date: Thursday, March 28, 2002
Time: 1:00 to 9:00 PM
Location: Kelly Ridge Golf Course Meeting Room

Date: Friday, March 29, 2002 (if needed to finish approval process)
Time: 8:00 AM to 12:00 PM
Location: Kelly Ridge Golf Course Meeting Room

Agreements Made

1. The Plenary Group agreed to approve the initial consent calendar including study plans SP-L1, SP-L4, SP-R7, SP-E7, SP-T4, and SP-G1.
2. The Plenary Group agreed to approve the second consent calendar including study plans SP-R9, SP-R18, SP-E1, SP-E1.1, SP-E1.2, SP-E1.3, SP-E1.4, SP-E1.5, SP-E6 and SP-W6.
3. The Plenary Group agreed to tentatively approve SP-C1, SP-T2, SP-G2, SP-E1.6, and SP-W2 based on resolution of outstanding issues requiring additional discussion and review within the Work Groups.

4. The Plenary Group agreed to tentatively approve the following study plans dependent on Work Group revisions and placed them on the March consent calendar: SP-R13, SP-R5, SP-R19, SP-W3, SP-W7, SP-T1, SP-T7, SP-T9, and SP-F16.
5. The Plenary Group agreed to approve SP-L2, SP-L3, SP-L5, SP-R1, SP-R2, SP-R3, SP-R4, SP-R6, SP-R8, SP-R10, SP-R11, SP-R12, SP-R14, SP-R15, SP-R16, SP-C2, SP-C3, SP-C4, SP-E2, SP-E3, SP-E4, and SP-E8. If substantial revisions are made at the Work Group level, these studies will come back to the Plenary Group for review and approval.

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and due date.

Action Item #R82: Update the Plenary Group on Cumulative Task Force progress.
Responsible: DWR
Due Date: March 28, 2002

Action Item #R83: Update the Plenary Group on the Federal/State coordination meeting(s)
Responsible: DWR
Due Date: March 28, 2002

Action Item #R84: Representatives from the State Water Contractors (SWC) and DWR will coordinate jointly with Frank Winchell (FERC) to resolve issues associated with survey requirements in the fluctuation zone to resolve questions on SP-C1.
Responsible: DWR
Due Date: March 28, 2002

Action Item #R85: Provide summaries for models included on the model list and report back to the Plenary Group on the status of the modeling protocol development.
Responsible: Modeling Protocol Task Force
Due Date: on-going

Action Item #R86: Provide Plenary Group with information on what type of operations model is currently being used for the Oroville complex.
Responsible: DWR
Due Date: March 28, 2002

Action Item #R87: Provide the Study Plan Status table developed during the meeting to the Plenary Group.
Responsible: DWR
Due Date: March 28, 2002

Action Item #R88: Provide update on flood control jurisdictional issue with Liz Molloy (FERC).
Responsible: DWR
Due Date: March 28, 2002

Action Item #R89: Provide clarification on pumpback frequency for inclusion in SP-E1.3, SP-E1.4, SP-E8, and SP-W6 (existing information need).

Responsible: DWR

Due Date: March 28, 2002

Action Item #R90: Provide information on Department of State Parks (DPR) planning for projected projects in the Project area (covering the next 5-7 years).

Responsible: DPR

Due Date: July 2002